



MEMO ENDORSED

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USDS SDNY
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MAGISTRATE JAMES C. FRANCIS IV
500 PEARL STREET ROOM 1960
NEW YORK, NEW YORK 10007

07 Civ. 2841 (RMB)

RE: Response to Recommendation for Remand:

DEAR SIR:

This letter is in response to the recent recommendation for remand in the case of my daughter Zanais Gonzalez 07 Civ 2841. At this time I would like to request that my child's case Retains Jurisdiction, and that it also remains on the Suspense Docket or on a Suspense Calendar in the event that the case is Remanded and I am not satisfied with or choose to appeal I would be able to return to the U.S.D.J. that handled the case before the remand. I would greatly appreciate a copy of the record after the remand proceedings including a hearing transcript in the event that the agency rules against me. I would also like to request that my child be temporarily granted Interim Benefits until the hearing and administrative review is completed. I realize that I may be denied these benefits but the fact remains that my child really does need them and the process may be long and I have been struggling with this for some time now with no avail. So at this time I would like to appeal to your good nature and request that the above-mentioned interim benefits be granted and the case be processed as expediently as possible. Thank You for your time and cooperation.

I decline to recommend interim benefits, which are generally awarded only in cases of "egregious delay or other outrageous behavior by the Commissioner." *Luna v. Apfel*, No. 99 Civ. 4149, at *8, 2000 WL 964937 (S.D.N.Y. July 12, 2000).

SINCERELY,

SD ORDERED
James C. Francis IV
JCFM